

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101
PREPARED BY: Christopher M. Gratz, Planner II

SUBJECT: Vacation/Abandonment, VA 5-1-04 Flamingo Road Estates
Agent: John D. Voigt Esq. /Contract Purchaser: MG Developers, Inc.
Location: SW 14 Street between Flamingo Road and SW 130 Avenue

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM: VA 5-1-04 Flamingo Road Estates, 1401 Flamingo Road (A-1)

REPORT IN BRIEF: The developer of the project known as Flamingo Road Estates is requesting that Town Council consent to the removal of SW 14 Street from the Broward County Trafficways Plan between Flamingo Road and SW 130 Avenue.

The Broward County Trafficways Plan depicts SW 14 Street as a 94' collector roadway that connects I-75 to Flamingo Road and I-595/SR 84. This plan was adopted by Broward County on April 17, 1969, prior to annexation. The Trafficways Plan is the ultimate roadway right-of-way preservation plan for Broward County and the Broward County Planning Council is charged with its maintenance, implementation, and must approve any changes to the plan. Parcels which are required to plat must dedicate right-of-way consistent with the requirements of the Trafficways Plan to offset the impacts of new development and redevelopment in order to provide for an adequate regional roadway network. An adequate regional roadway network is one that has connectivity and allows for the efficient and convenient flow of traffic.

All developments subsequent to the adoption of the Trafficways Plan along this corridor have dedicated right-of-way for SW 14 Street. Furthermore, additional right-of-way was obtained on the south side of SW 14 Street between SW 130 Avenue and SW 148 Avenue from developed legal lots of record by the Florida Department of Transportation. The Town of Davie Comprehensive Plan depicts both an equestrian and/or recreation trail along this corridor from Shotgun Road to Hiatus Road. The Rural Lifestyle Initiative requires that a 30' equestrian/recreation trail be provided. Additionally, the Land Development Code requires that 80' of right-of-way be provided by the developer at all section lines.

The subject site is located north of agriculturally zoned property; south a five (5) legal lots of record within the Little Lake Estates Unrecorded Subdivision zoned R-1, of which four (4) are developed with single family homes; east of Flamingo Road; and west of SW 127 Avenue, Grove Park Estates Mobile Home Park zoned MH-1, and the Summer Lake prefabricated home community that is zoned PRD-4. The northern boundary of the site is the south section line of Section 14, Township 50 South, Range 40 East and a 50' right-of-way (25' on each side of the section line) exists. The existing roadways in the vicinity are disconnected. According to

the Fire and Police Chiefs, the delivery of emergency services is hindered by these conditions and will be exacerbated if adequate connecting roadways are not built.

The Town is in the process of establishing a master road right-of-way plan. Data collection has started in the western portion and will conclude in the eastern portion of the Town. This plan will identify existing and future rights-of-way, and will be the basis in which the Town will be able to sustain legal challenges against requirements for dedications of rights-of-way. Until this plan is complete, consenting to vacate any rights-of-way or segments from the Broward County Trafficways Plan may have unintended consequences. The data is crucial for analysis on traffic circulation and future connections. This right-of-way plan will deal not only with SW 14 Street, but become a foundation for all future road plans within the Town's Capital Improvements Program.

Last year the site was rezoned from AG to A-1, reducing the minimum required lot size from 43,560 to 35,000 square feet and minimum lot frontage from 150' to 140'. During the rezoning process the developer made a commitment to the adjacent residents that SW 14 Street would not be constructed between Flamingo Road and SW 127 Avenue. Subsequently, the plat and site plan were submitted. These requests cannot be approved as designed unless SW 14 Street is removed from the Broward County Trafficways Plan. Additionally, the requests must be revised to meet the requirements of the Land Development Code and Comprehensive Plan.

The Town has been actively planning for future development to maintain its rural lifestyle. This has been accomplished through projects such as the Rural Lifestyle Initiative. As a result of this initiative, the recently approved Southern Homes of Davie projects have provided for equestrian, pedestrian, and roadway connectivity. At this time, the Town is facing tremendous growth pressures. Once rights-of-way are given up it is impossible to get them back without going through costly and lengthy eminent domain proceedings which require direct compensation to property owners. Staff recommends retaining all rights-of-way and Trafficways segments until such time as the master road right-of-way plan is complete and approved by Town Council.

PREVIOUS ACTIONS: The rezoning from AG to A-1 under petition ZB 1-1-03 MG Developers/Florida Fresh Herbs, Inc. was approved May 21, 2003.

CONCURRENCES: N/A

FISCAL IMPACT: N/A

RECOMMENDATION(S): Staff recommends denial of the request.

Attachment(s): Subject Site, Zoning and Aerial Map, §12-332 Arrangement of streets, Request from the Agent, Agents letters to Councilmember Starkey, June Connors, and Michael Powell



Vacation Application VA 5-1-04, Flamingo Road Estates Subject Site, Zoning and Aerial Map

Prepared By: D.M.A.
 Date Prepared: 5/13/04



The Town of Davie
 Development Service Department
 Planning & Zoning Division



Scale: 1" = 15,000 Feet

§12-332. Arrangement of streets.

(A) At all section lines and one-quarter section lines an eighty-foot right-of-way shall be provided by the developer unless otherwise designated on the trafficways plan. Where other public uses conflict with this requirement, the developer shall provide a sufficient right-of-way width in a location as determined by the engineering department. Where deviation from the grid pattern requirement of this provision is requested, alternative designs will be permitted if approved by the development review committee, upon a finding that substantially equivalent protection of public safety can be achieved without adhering to the grid pattern requirement.

(B) The pattern of streets in new subdivisions shall provide for the continuation of existing streets properly aligned from adjoining areas or for their proper projection where adjoining land is not subdivided. Where street extensions into adjacent undeveloped land are necessary to ensure a coordinated street system, provisions for such future street or streets shall be made.

(C) The arrangement of streets in new subdivisions or developments shall facilitate and coordinate with the desirable future platting of adjoining unplatted property of a similar character, and provide for local circulation and convenient access to neighborhood facilities.

(D) Local residential streets shall be arranged so as to discourage their use by through-traffic. Residential streets shall not connect with industrial areas except in cases where it is unavoidable and ascertained so by the development review committee.

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February 18, 2004

Mr. Mark A. Kutney, AICP
Director of Development Services Department
TOWN OF DAVIE
6591 Orange Drive
Davie, Florida 33314

Re: Flamingo Road Estates - (SP-7-4-03 and P-7-1-03)
Release of S. W. 14th Street From The County Trafficways Plan

Dear Mr. Kutney:

Please accept this letter as our formal request to have a portion of S.W. 14th Street lying between S.W. 130th Avenue and Flamingo Road removed from the County Trafficways Plan. We would ask that the Town approve our request and make application to Broward County to remove this portion of S.W. 14th Street from the Trafficways Plan. In the alternative, we would ask that the Town issue a letter of no objection and we will file the application with the Broward County Planning Council.

A brief synopsis of the history of events surrounding this project is as follows:

In Spring of 2003 we made application to rezone our client's property. The surrounding neighborhoods had concerns about the potential traffic. Ms. June Connors, President of Summer Lakes Homeowners Association was present at the meetings as well as Mr. Mike Powell, who was the spokesperson for the homes to the north. The Town Council tabled the rezoning several times and directed us to meet with the neighboring residents and satisfy their concerns. We and the Town Council assured the residents that there would not be any connection or through road from Flamingo to S.W. 127th Avenue. We showed the residents and the Town Council our proposed site plan which eliminated any connection from our project to S.W. 127th Avenue and identified that we are vacating S.W. 14th Street. See the attached letters to the homeowners. In May, 2003 the Town Council approved the rezoning of the property after a lengthy discussion regarding these concessions to the residents.

According to Jay Evans, my client's engineer, the Town Engineer met with Mr. Jim Dezeil (the property owner) and Mr. Evans, on June 13, 2002 at which time Mr. Evans felt he was given the go ahead to vacate the street. We also met with the Florida Department of Transportation and the County who had no problem with the vacation of S.W. 14th Street. Everyone's concern was that pushing S.W. 14th Street through to Flamingo would funnel traffic from Weston and the western areas of Davie through these neighborhoods and dump into the Flamingo Road corridor. Please refer to the enclosed memos regarding those meetings as well as the FDOT Pre-Application Finding report verifying our meeting with FDOT that same day.

We relied on these expressions of approval and proceeded with final site plan design under the assumption we could vacate S.W. 14th Street adjacent to our site. We prepared the site plan, engineering plans, landscape plans, photometric plans, etc. in accordance with those expressions. Our contract deposits are non-refundable and as you know the Central Broward Water Control District approved the Paving and Drainage plans and the water management calculations for the project which reflected the vacation of S.W. 14th Street

The Town Engineer and other departments have now expressed reluctance in allowing the vacation of S.W. 14th Street and we feel a public hearing before the Town Council is essential. On the one hand, we strive to work with the Town's staff, but in this case, John Voigt and I have given "our word" to the neighbors. I also believe the neighbors would feel they have a similar commitment from the Town Council. Therefore, a request to remove a portion of the S.W. 14th Street from the County Trafficways Plan as a prelude for vacation of the street will bring up for discussion these issues and how best to resolve them.

Also enclosed for your use is a copy of the proposed site plan. We are requesting that the Town approve our request and make application to the Broward County Planning Council for removal of that portion of S.W. 14th Street which lies between Flamingo Road and S.W. 130th Avenue from the County Trafficways map.

If you need any additional documentation or should you have any questions, please do not hesitate to contact me. We would ask that this matter be heard as soon as possible.

Yours truly,



C. WILLIAM LAYSTROM, JR.
For the Firm

CWL:ks
Enc.

cc: Marcie Nolan, Town Planning
Larry Peters, Town Engineer

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VIA HAND DELIVERY

April 29, 2004

Councilmember Susan Starkey
Town of Davie
6591 Orange Drive
Davie, Florida 33314-3399

Re: Flamingo Road Estates - Clarification of Access Locations

Dear Councilmember Starkey:

As you may recall, this office represents MG Developers, Inc. as the owners of Flamingo Road Estates, a vacant parcel of land located on the west side of Flamingo Road at 1401 Flamingo Road. The Town Council approved a rezoning of this property from AG to A-1 at the Town Council meetings of May 7, 2003 and May 21, 2003. An access question has arisen that needs clarification from the Town Council.

As part of the rezoning process, Bill Laystrom and I, along with the developers, met with the representatives of the adjacent residential developments to address any concerns they had with regard to the proposed rezoning and subsequent development. We met with Mike Powell of 12565 S.W. 14th Street representing the neighborhood immediately to the north of the property. We also met

Councilmember Susan Starkey
April 29, 2004
Page 2

with June Connors on behalf of Summer Lake immediately to the west of the site. Both Mr. Powell and Ms. Connors on behalf of their neighborhoods expressed great concerns with regard to the potential for vehicular traffic to cut through the new development and access S.W. 127th Avenue.

To alleviate their concerns, the developer assured both Mr. Powell and Ms. Connors that the proposed development would allow no vehicular access from Flamingo Road to S.W. 127th Avenue. These assurances were given in person, on the telephone and ultimately in writing. When the Town Council approved the rezoning, the Council required that my letters to Mr. Powell and Ms. Connors making these representations be made a part of the record and a part of the ordinance approving the rezoning. I have enclosed copies of both letters for your convenience.

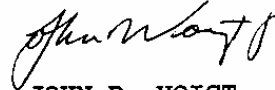
The applicant has filed its site plan application depicting access in accordance with my letter. The Town's staff has suggested two alternate access plans that we feel may violate our agreement with the residents. Attached hereto are three different versions of the proposed site plan. The version labeled Exhibit "A" is the version proposed by the developer. Two alternate versions are labeled Exhibits "B" and "C", respectively. The Town staff has suggested that either Exhibit "B" or Exhibit "C" may be the more appropriate design with regard to the access issue. As a result we would request guidance and direction from the Town Council as to which plan best satisfies all concerns with regard to access to the site.

We would respectfully ask that you place this item on the May 5, 2004 Town Council agenda under Old Business so that we may seek your guidance as to which plan is preferred. Our site plan processing has been held up pending resolution of this access issue.

Councilmember Susan Starkey
April 29, 2004
Page 3

Thank you for your consideration of this matter. Please
contact me should you have any questions whatsoever.

Sincerely,

A handwritten signature in cursive script, appearing to read "John D. Voigt".

JOHN D. VOIGT
For the Firm

JDV/kdr
encs.

cc: Town Administrator Tom Willi
Town Clerk Russell Muniz
Town Attorney Monroe Kiar
Development Services Director Mark Kutney

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VIA FAX
(954) 476-9575

May 6, 2003

Ms. June Connors

Re: MG Developers/Florida Fresh Herbs
Rezoning Application ZB1-1-03

Dear Ms. Connors:

Thank you for taking the time to speak with me again regarding the proposed rezoning of the approximately 28 acres immediately to the east of your development. As you know, the land is currently zoned AG for agricultural use, and we are seeking to rezone the property to A-1. A residential development is planned consisting of a maximum of 28 single family homes. Site plan, drainage issues and the like ultimately may reduce that number of homes. Under no circumstances will the number of homes increase beyond that total.

In our conversations, you have raised some issues which we feel we can adequately address. In a discussion with the representative of the homeowners immediately to the north of the proposed development, some similar issues were discussed.

First, the developer will commit to having a berm along the west side of the property adjacent to Summer Lake and Grove Estates. The developer has also proposed a berm along the north side of the property separating this development from the homes of the residents currently living there. Both berms would be fully landscaped and in accordance with the Town of Davie Code. The two

Ms. June Connors
May 6, 2003
Page 2

berms would both be designed to prevent access to either neighborhood from the development and particularly to S.W. 127th Avenue. In addition, the berms in all likelihood will be necessary for water retention on the premises.

In addition, we are proposing that all access to the future development will be from Flamingo Road. I understand that the residents of Summer Lake do not want a rear access to the property that would allow traffic from the development to reach S.W. 127th Avenue. This is the developer's preference as well, and we will strive to accomplish that goal.

As you may recall from the planning and zoning board meeting, the Town of Davie staff representative indicated that the Town prefers to have "connectivity" between neighborhoods so that there are streets connecting adjoining neighborhoods. I do not believe that the Town would attempt to impose that requirement, however, if the residents of your neighborhood continue to voice their objections.

In addition, there are other agencies that will influence the ultimate design of the project. For example, we may be required to allow emergency vehicle access from the rear of the property. If this is required, then obviously the developer must comply. I believe this could be accomplished without allowing general access to S.W. 127th Avenue. While this is an example only, I want to make you aware that there are certain factors that are beyond the developer's control, although we will certainly commit to honoring our agreement to have a continuous berm in place and no access to the west side of the development.

The developer will agree to notify you and any other interested residents when the site plan application is filed. We will also be happy to notify you of any particular hearings if you would like to attend.

The matter is currently scheduled to be heard by the Davie Town Council at its meeting of Wednesday, May 7, 2003 at 7:00 p.m. at town hall. It is my understanding you will be attending that

Ms. June Connors
May 6, 2003
Page 3

meeting, but please let me know if you have any questions, comments, or additional concerns prior to that time. Please contact me at any time on my direct line in my office at (954) 762-3452 or my cell phone which is (954) 651-5444.

Sincerely,

JOHN D. VOIGT
For the Firm

JDV/kdr

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VIA FAX

May 2, 2003

Mr. Mike Powell
12565 S.W. 14th Street
Davie, Florida 33325

Re: MG Developers/Florida Fresh Herbs
Rezoning Application ZB1-1-03

Dear Mr. Powell:

Thank you for taking the time to speak with me again regarding the proposed rezoning of the approximately 28 acres immediately to the south of your residence. As you know, the land is currently zoned AG for agricultural use, and we are seeking to rezone the property to A-1. A residential development is planned consisting of a maximum of 28 single family homes. Site plan, drainage issues and the like ultimately may reduce that number of homes. Under no circumstances will the number of homes increase beyond that total.

In our discussions, you have raised a number of potential concerns, which we feel we can adequately address. In a discussion with the representative of the Summer Lake development, which is immediately to the west of the property, several similar issues were raised.

First, the developer will commit to having a berm along the north side of the property adjacent to your neighborhood and a second berm along the west side of the property adjacent to Summer Lake and Grove Estates. Both berms would be fully landscaped and

Mr. Mike Powell
May 2, 2003
Page 2

would alleviate any potential flooding of the neighborhoods based upon this development. Obviously, the developer would further commit that if the berm was insufficient to accomplish this that the developer would take whatever steps are necessary to ensure that your neighborhood does not flood as a result of this development. Clearly, the developer cannot ensure that your neighborhood will never flood, but only that the flood will not be caused by this development or be made worse by this development.

In addition, all access to the proposed development will be from Flamingo Road. The residents of Summer Lake did not want a rear access to the property that would allow traffic from the development to access S.W. 127th Avenue. We are also agreeable not to have access to S.W. 14th Street. The proposed site plan does show a berm along both roads with no access from the development. The only possible exception would be if the Town of Davie emergency personnel require an emergency access from one of those roads.

It is anticipated this development would be built using city water, and not using septic tanks. As a result the developer will bring the City of Sunrise water south to the property, which would allow your neighborhood the opportunity to tie in to that water system.

The developer will commit to notifying you and other interested residents of the filing of any site plan application. We would also agree to notify you of any hearings on the site plan or before the Central Broward Water Control District regarding the drainage issues.

This matter is scheduled to be heard by the Davie Town Council at the meeting of Wednesday, May 7, 2003, at 7:00 p.m. at Town Hall. The residents of Summer Lake are attempting to schedule a meeting with my clients for Tuesday night, May 6, 2003, and I will let you know the specifics if that is finalized.

Please let me know if you or any of your neighbors have any questions, comments or concerns that are not addressed in this

Mr. Mike Powell
May 2, 2003
Page 3

letter. It remains my client's intention to build an attractive upscale development that is in 100% compliance with the Rural Lifestyles Ordinance. Please contact me should you have any questions.

Sincerely,

JOHN D. VOIGT
For the Firm

JDV:dla

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